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Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of )

WILLIAM BRUCE WACHTER )

Amendment of Section 73.202(b)  
Table of FM Allotments  
to Allot Channel 251A to  
Dearing, Kansas )

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TO: Chief, Allocations Branch

PETITION FOR RULEMAKING

William Bruce Wachter ("Petitioner"), by his attorney, hereby respectfully requests the Chief, Allocations Branch, to issue a Notice of Proposed Rulemaking, looking towards the amendment of the Table of FM Allotments to allocate FM Channel 251A to the community of Dearing, Kansas. In support thereof, it is alleged:

1. Petitioner, William Bruce Wachter, is a local resident of the State of Kansas, and practices law in the community of Pittsburg, Kansas. By this petition, Mr. Wachter requests the Commission to amend the Table of FM Allotments to allocate Channel 251A to the community of Dearing, Kansas.

2. Dearing, Kansas, is an incorporated community of 428 persons, situated in the southeastern corner of the state, near the Oklahoma border. Dearing is a census designated place (CDP), and

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is not a suburb of any other community. Dearing is entirely independent and has its own community needs and interests. Therefore, Dearing qualifies as a community for allocation purposes.

3. Mr. Wachter has commissioned the engineering firm of E. Harold Munn, Jr., & Associates, Inc., to determine whether an FM channel can be allocated to the community of Dearing. The attached engineering statement, prepared by Munn & Associates, demonstrates that Channel 251A can, in fact, be allocated to Dearing in full conformity with all of the Commission's Rules.

4. Wachter respectfully requests the Chief, Allocations Branch, to issue a Notice of Proposed Rulemaking, looking towards the amendment of the FM Table of Allotments to allocate Channel 251A to the community of Dearing. If the Table of Allotments is amended and the channel is allocated to Dearing, Mr. Wachter will promptly apply for a construction permit for a new FM broadcast station to operate on Channel 251A at Dearing. Furthermore, if his application for a construction permit is granted, Mr. Wachter will construct the station and place it on the air in the public interest.

Respectfully submitted,

WILLIAM BRUCE WACHTER

June 6, 1995

Law Office of  
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P.O. Box 113  
Frederick, MD 21705-0113

By: 

Lauren A. Colby  
His Attorney

**ENGINEERING REPORT  
In Support of a Petition  
To Add FM Channel 251(A)  
At Dearing, Kansas  
June, 1995**

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**E. HAROLD MUNN, JR. & ASSOCIATES, INC.**  
Broadcast Engineering Consultants  
Coldwater, MI 49036

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## **ENGINEERING STATEMENT**

### **In Support of a Petition To Amend §73.202(b)**

The firm of E. Harold Munn, Jr. & Associates, Inc., was retained to prepare this Engineering Statement in support of a petition to amend 47 C.F.R. Section 73.202(b), the FM Table of Allotments.

It is proposed to amend the Table to add Channel 251(A), 98.1 MHz at Dearing, Kansas, as the first FM channel in the community. For the purposes of this study, the coordinates specified are the reference coordinates of the community. This site meets the spacings of §73.207(b)(1)(2).

Figure 1 is a pertinent portion of the computer study which demonstrates that, at the reference point listed, and for the class of station proposed, all the required separations are fully met for the allotment of Channel 251(A).

The reference point considered for the study is NL 37° 03' 33"; WL 95° 42' 44". This is a point proximate to the city from which the 3.16 mV/m (70 dBu) contour of the proposed facility would encompass the entire community.

The "Open Area" for the use of Channel 251A is shown as Figure 2.

It is requested that 47 C.F.R. §73.202(b) be amended as follows.

<b><u>CITY, STATE</u></b>	<b><u>PRESENT</u></b>	<b><u>PROPOSED</u></b>
<b>Dearing, Kansas</b>	<b>-----</b>	<b>251A</b>

### CERTIFICATION

This Engineering Statement was prepared by the undersigned, a member of the staff of E. Harold Munn, Jr. & Associates, Inc., Broadcast Engineering Consultants, with offices at 100 Airport Drive, Coldwater, Michigan 49036-0220.

I hereby certify the contents of this Engineering Statement to be true and accurate to the best of my knowledge and belief. My qualifications are a matter of record before the Federal Communications Commission.

Dated this 2nd day of June, 1995

by Virgil M. Royer  
Virgil M. Royer, Staff Engineer  
Wayne S. Reese, President

E. Harold Munn Jr. & Associates Inc.  
Box 220 Coldwater MI 49036-0220

DEARING KANSAS  
Allocation Study

REFERENCE

37 03 33 N  
95 42 44 W

CLASS = A  
Current Spacings

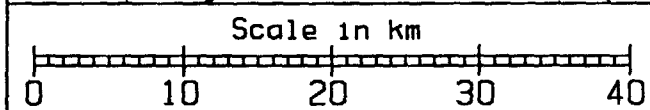
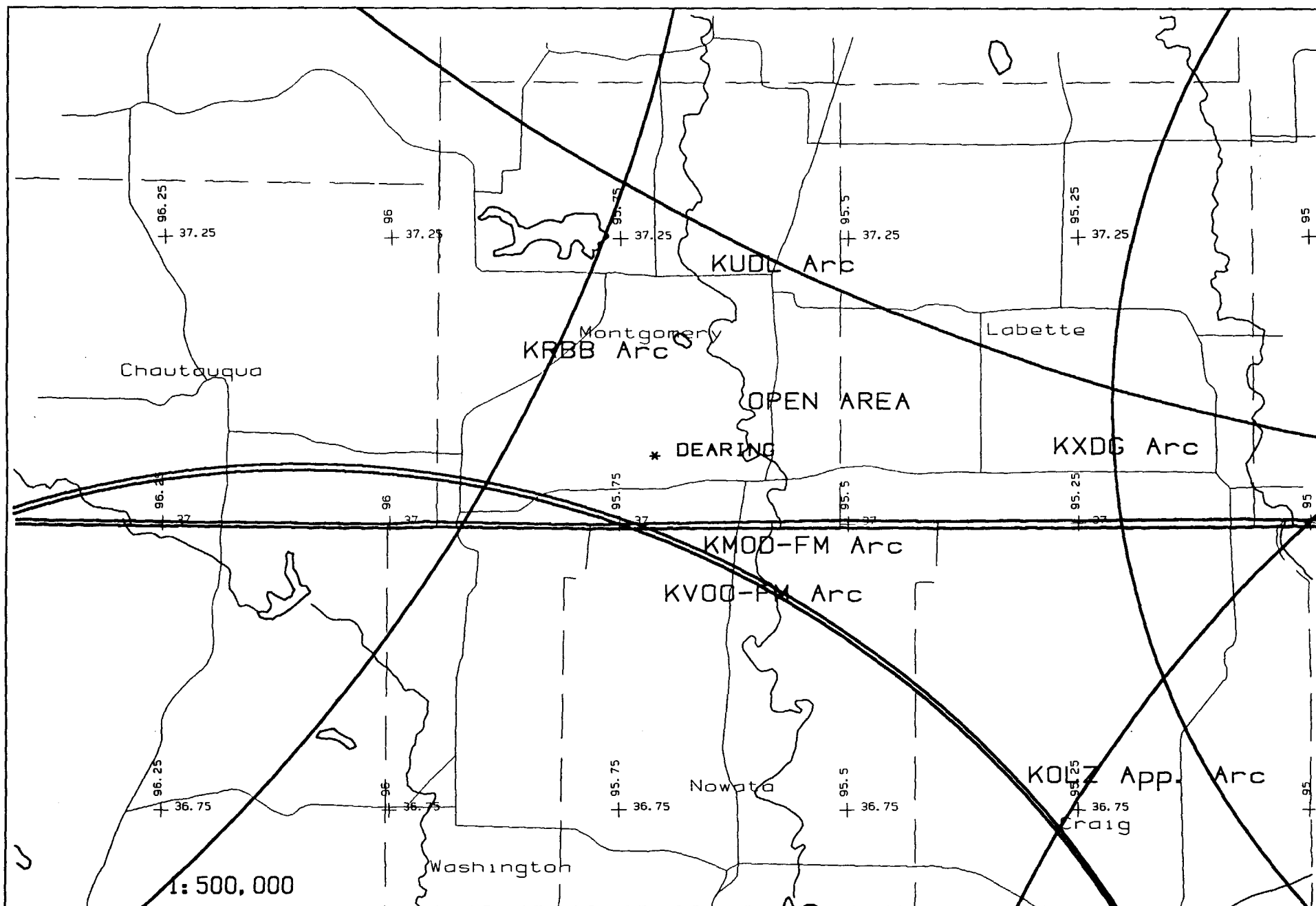
DISPLAY DATES

DATA 04-26-95  
SEARCH 06-02-95

----- Channel 251 - 98.1 MHz -----

Call	Channel	Location	Dist	Azi	FCC	Margin
N. Lat.	W. Lng.	Power	HAAT			
KMODFM LI	248C	Tulsa	OK	101.80	199.9	95.0
36 11 46	96 05 53	CY	100.000 kW	405 M		6.80
		Clear Channel Communications,	BLH861222KF	871028		
KVOOFM LI	253C	Tulsa	OK	102.36	199.7	95.0
36 11 26	96 05 50	CY	100.000 kW	374 M		7.36
		First Stuart Corporation	BLH880420KC	890222		
KRBB LI	250C	Wichita	KS	178.03	297.3	165.0
37 46 40	97 30 37	CN	100.000 kW	303 M		13.03
		Marathon Broadcasting Company	BLH890823KB	900730		
KUDL LI	251C	Kansas City	KS	248.15	25.3	226.0
39 04 24	94 29 06	EN	100.000 kW	303 M		22.15
		Shamrock Broadcasting, Inc.	BMLH901023KA	921117		
KXDG LI	250A	Webb City	MO	116.51	87.2	72.0
37 06 11	94 24 11	CN	3.400 kW	135 M		44.51
		Don & Gail Stubblefield	BLH880909KC	950217		
KXPX.C CP	251A	Stillwater	OK	159.75	234.6	115.0
36 13 10	97 09 47	CN	6.000 kW	100 M		44.75
		Patrick G. Walters	BPH930715ME	941223		
KOLZ.A AP	252C1	Bentonville	AR	185.62	123.5	133.0
36 07 38	93 59 23	ZCN	100.000 kW	188 M		52.62
		Demaree Media, Inc.	BPH930917IB	950420		
ALOPEN AL	252C1	Bentonville	AR	189.22	113.5	133.0
36 22 00	93 46 37	N	0.000 kW	0 M		56.22
				940131		

FIGURE 1



Open Area For Ch. 251(A) Dearing, KS  
 N. Lat. 37 03 33 W. Lng. 95 42 44

FIGURE 2  
 MUNN & ASSOC 06/95